LOUISVILLE METRO COUNCIL COMMITTEE SUMMARY

Health and Human Services Committee Meeting Wednesday, June 6, 2007 3:05 P.M. Third Floor, City Hall

Present: Chair: CW Woolridge Vice Chair: CW Welch

Vice Chair: CW Welch Members: CM Kramer

Absent: CM Benson (absent) and CM Tandy (excused)

Also Present: CM King

Special Items for Discussion:

Chairwoman Woolridge began the meeting by announcing the members and non-members of the committee that were present. A quorum was established.

Chairwoman Woolridge stated she would like to welcome CM Kramer who will replace CM Downard to the Health and Human Services Committee. He will serve in this post through the first meeting in August. For the last part of August through the end of the year, CM Heiner will serve in this post. She also stated O-233-12-06 will remain tabled and she and the committee would discuss the item later.

R-90-05-07 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE COMMONWEALTH OF KENTUCKY IN THE AMOUNT OF APPROXIMATELY \$30,000 TO THE LOUISVILLE METRO DEPARTMENT OF PUBLIC HEALTH & WELLNESS FOR ITS TOBACCO CESSATION PROGRAM.

CW Welch made a motion to approve this item. CM Kramer seconded the motion.

There was no one present to discuss the item. Chairman Woolridge stated the grant will be used for Tobacco cessation and the money will help people to stop smoking.

By unanimous vote, this item was sent to the Consent Calendar.

O-126-05-07 AN ORDINANCE REQUIRING THAT THE HAND-DELIVERY OF ADVERTISEMENTS TO DWELLINGS BE PLACED WITHIN SIX FEET OF THE FRONT DOOR AND CONTAINED IN A BAG OR SLEEVE OR ENWRAPPED IN A RUBBER BAND OR EQUIVALENT

CM Kramer made a motion to approve this item. CW Welch seconded the motion.

Discussion: Attorney Jeremy Rogers, with Dinsmore & Shohl Attorney's, representing the Courier-Journal and Pat Mulvihill, representing the County Attorney's Office spoke to the item. A handout was given. The following was discussed:

- The proposed Ordinance restricts speech that is protected by the First Amendment. (attachment)
- The Proposed Ordinance is unconstitutional because it effects and unjustified content-based discrimination
- The Proposed Ordinance is unconstitutional because it is not narrowly tailored
- The Proposed Ordinance is unconstitutional because it is not a valid time, place, manner restriction
- Government restriction has to be tailored to limit speech activity
- The Courier-Journal has a Do Not Delivery list for non-subscribers
- The Ordinance does not prevent anyone from delivering something to a home. It states the item has to be placed in a bag or sleeve or enwrapped in a rubber band
- The Ordinance state the manner you may place advertisement on citizens property.

CW Welch stated what prompted this ordinance. About a couple of months ago the Courier-Journal had an advertisement in a bright orange plastic bag that was thrown all over the county. Her office received an over load of e-mails and calls from her constituents regarding the litter all over the place.

CM King, one of the Sponsors, stated he would work with the County Attorney's Office and Dinsmore & Shohl Attorneys on amending the ordinance.

By unanimous vote, this item was Tabled.

O-233-12-06 AN ORDINANCE PROHIBITING THE SALE OF FOODS CONTAINING TRANS FAT PRODUCTS IN ANY FOOD SERVICE ESTABLISHMENT IN JEFFERSON COUNTY. (Tabled)

This item remained tabled.

*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the June 14, 2006 Metro Council Meeting.

CM Kramer made a motion to adjourn. CW Welch seconded the motion

The meeting adjourned at 3:40 p.m. without objection.

MEM